

WIGDOR LLP

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December 4, 2015

VIA ECF

The Honorable Ronnie Abrams
United States District Judge
Southern District of New York
40 Foley Square, Room 2203
New York, NY 10007

Re: Haas, et al. v. Verizon New York, Inc.; No. 13-cv-8130 (RA)(JLC)

Dear Judge Abrams:

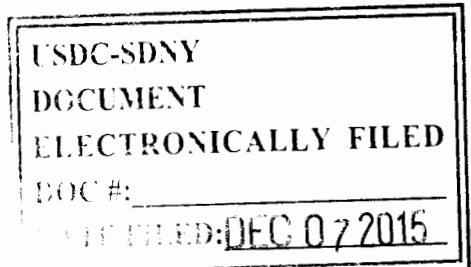
We, along with Borrelli & Associates PLLC, represent Plaintiffs William Haas and Akhlaqur Rahman (collectively, "Plaintiffs") in the above-referenced matter and write, jointly with Defendant Verizon New York Inc. ("Verizon" or "Defendant"), to provide Your Honor with an update on the status of the case and the parties' respective positions concerning how this matter should proceed, pursuant to the Court's November 13, 2015 Order.

Plaintiffs have not been able to identify a Local Manager who earned less than \$100,000 during the collective action period to substitute as a named plaintiff for the FLSA collective claims. As a result, and in light of Your Honor's September 30, 2015 ruling granting summary judgment to Verizon on Plaintiffs' FLSA and NYLL exemption claims for the years in which they earned at least \$100,000 (which for both includes all years covered by the FLSA), Plaintiffs cannot proceed with FLSA claims at this time.

However, the parties have met and conferred and both believe that this is an appropriate case for the continued exercise of supplemental jurisdiction over the remaining state law claims. Accordingly, the parties jointly respectfully request that Your Honor continue to exercise supplemental jurisdiction over such claims. Given the extent of discovery already undertaken, the fact that Your Honor has already ruled on a portion of the NYLL claims, and the Court's familiarity with the issues attendant to this case, it would be inefficient and likely result in substantial delay for Plaintiffs to have to file a new action based on the same underlying facts in state court, and start litigation anew. The parties are happy to brief this issue in more detail, whether as a formal motion or in a letter brief, should the Court so desire.

Finally, as discussed during the November 13, 2015 court conference, in the event that Your Honor agrees to continue exercising supplemental jurisdiction over Plaintiffs' state law claims, Plaintiffs respectfully request that a briefing schedule be entered for Plaintiffs' motion for leave to

MEMO ENDORSED



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file an interlocutory appeal pursuant to 28 U.S.C. §1292. Plaintiffs respectfully request the following briefing schedule:

Plaintiffs' Moving Papers: December 22, 2015
Defendant's Opposition Papers: January 21, 2016
Plaintiffs' Reply Papers: February 5, 2016

Defendant intends to oppose the motion but agrees to the above briefing schedule.

We thank Your Honor for the Court's attention to this matter.

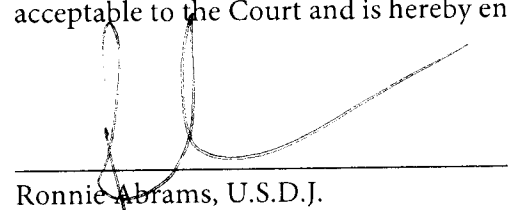
Respectfully submitted,



David E. Gottlieb

cc: Matthew Lampe (via ECF)
Tonya Braun (via ECF)
Kristina Yost (via ECF)
Michael Borrelli (via ECF)
Michael Minkoff (via ECF)

Application granted. The Court will exercise supplemental jurisdiction over Plaintiffs' claims brought under New York state law. In addition, the briefing schedule proposed by the parties is acceptable to the Court and is hereby entered. So ordered.



Ronnie Abrams, U.S.D.J.
December 7, 2015